

EXHIBIT 8

Pierce County

Office of Prosecuting Attorney

REPLY TO:
CIVIL DIVISION
930 Tacoma Avenue South, Suite 946
Tacoma, WA 98402

MARY E. ROBNETT
Prosecuting Attorney

Main Office: (253) 798-6732

July 17, 2024

VIA EMAIL

To: All Counsel

RE: *Wolfclan v. Pierce County* (23-cv-5399-TSZ-SKV)
ESI Collection Issues and Proposed Search Terms

Counsel:

Plaintiff has failed to identify search term queries for specific requests for production. As the ESI Agreement provides (Dkt. 110), requests for production of ESI and related responses should be reasonably targeted, clear, and as specific as possible. Plaintiff's list of proposed search terms is non-specific and beyond that allowed under Dkt. 110, Sec. C, (a)(ii). In addition, Plaintiff's First Interrogatories and Requests for Production include many duplicative and/or are cumulative requests outside the scope of discovery. Fed. R. Civ. P. 26(b)(2)(C)(i). It is an undue burden and expense to repeat or duplicate searches for the same requested information. Plaintiff must identify search term queries for specific requests for production.

Plaintiff's discovery requests are overly broad and vague and appear not focused on Plaintiff's individual claims or proposed class claims. See *Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1063 (9th Cir. 2004); *Goodrich Zinc Corp. v. Carlin*, 4 F. 568 (1925) ("courts need not condone the use of discovery to engage in fishing expeditions."). Pursuant to Dkt. 110, Sec. C(i), defense attempted ESI searches, but the searches were ineffective and produced vastly different hit counts. A total of approximately 13 hours was used by County employees, not including counsel, on the below searches – this time does not include review of the materials. Without clear instructions from Plaintiff, search queries are unproductive and burdensome. For example:

- Request for Production No. 5: Five (5) different search queries were attempted within the Sheriff's Dept./Jail with the following results:
 - Search No. 1:
 - (Davey OR Wolfclan OR "Ed Troyer" OR "Patti Jackson" OR "Matthew Dobson" OR "Anthony Mastandrea") AND (jail AND (backflow OR toilet* OR plumbing OR sanitation OR maintenance OR inspection))

To All Counsel
July 17, 2024
Page 2

- 39,265 item(s) (20.09 GB)
- Search No. 2:
 - (Davey OR Wolfclan) AND (jail AND (backflow OR toilet* OR plumbing OR sanitation OR maintenance OR inspection))
 - 213 item(s) (587.20 MB)
- Search No. 3:
 - (Davey OR Wolfclan) AND (jail AND (backflow OR toilet* OR plumbing OR sanitation OR maintenance OR inspection)) AND (Participants:ed.troyer@piercecounitywa.gov OR Participants:patti.jackson@piercecounitywa.gov OR Participants:matthew.dobson@piercecounitywa.gov OR Participants:anthony.mastandrea@piercecounitywa.gov)
 - 37 item(s) (23.06 MB)
- Search No. 4:
 - (Davey OR Wolfclan OR ed.troyer@piercecounitywa.gov OR patti.jackson@piercecounitywa.gov OR matthew.dobson@piercecounitywa.gov OR anthony.mastandrea@piercecounitywa.gov) AND (jail) AND (backflow OR toilet* OR plumbing OR sanitation OR maintenance OR inspection)
 - 21,359 item(s) (6.94 GB)
- Search No. 5:
 - (Davey OR Wolfclan) AND (ed.troyer@piercecounitywa.gov OR patti.jackson@piercecounitywa.gov OR matthew.dobson@piercecounitywa.gov OR anthony.mastandrea@piercecounitywa.gov) AND (jail) AND (backflow OR toilet* OR plumbing OR sanitation OR maintenance OR inspection)
 - 40 item(s) (23.25 MB)

Additional ESI search query attempts were made for Requests for Production Nos. 16, 20, 24, 25, 26, 31, and 32. All ESI search queries returned vastly different results. Without an agreed ESI protocol, all ESI searches involving other custodians and other discovery requests are premature. Plaintiff must identify search term queries for specific requests for production and search term queries must not be duplicative and/or seek materials duplicative to other discovery requests.

To All Counsel
July 17, 2024
Page 3

Lastly, redactions to Plaintiff Wolfclan's jail file, Bates No. 400550-400636 and 400915-400923 were done based on privacy concerns pursuant to RCW 70.48.100 and privacy protection, and not privilege.

Sincerely,

s/ Frank A. Cornelius

Frank A. Cornelius
Deputy Prosecuting Attorney
(253) 798-6514

FAC/nb